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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,372	12/08/2000	Paul R. Petersen	M00-175100	1974
22835	7590	12/08/2005	EXAMINER	
A. RICHARD PARK, REG. NO. 41241 PARK, VAUGHAN & FLEMING LLP 2820 FIFTH STREET DAVIS, CA 95616			GART, MATTHEW S	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/733,372

Applicant(s)

PETERSEN, PAUL R.

Examiner

Matthew S. Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10-15 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10-15 and 17-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

Claims 2, 9 and 16 have been previously canceled.

Claims 1, 3-8, 10-15 and 17-21 are pending in the instant application.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 3-8, 10-15 and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over alSafadi (U.S. Patent No. 6,467,088) in view of Henson (U.S. Patent No. 6,167,383).**

Referring to claim 1. alSafadi discloses a method for facilitating a purchase of a upgrade for a computer system, comprising:

- Obtaining configuration information for the computer system (alSafadi: column 2, lines 20-34);
- Determining a upgrade option based upon the configuration information (alSafadi: column 2, lines 34-52);
- Presenting an option to download the upgrade option to the user of the computer system (alSafadi: Figure 2, step 118); and

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- If the user indicated that the user would like to download the upgrade option automatically initiating a download transaction for the upgrade option (alSafadi: Figure 2);
  - Wherein automatically initiating the download transaction involves automatically initiating the download transaction through a website that facilitate downloading the upgrade option (alSafadi: column 5, line 63 to column 6, line 9);
  - Wherein the configuration information is obtained and automatically sent to the website by the computer system without intervention by the user so that the user does not have to reenter the configuration information (alSafadi: column 2, lines 21-34).

AlSafadi does not expressly disclose a method for facilitating a purchase of a plurality of memory upgrades for a computer system. Henson discloses a method for facilitating a purchase of a plurality of memory upgrades for a computer system. Henson discloses an on-line store, which is one component of an Internet website for which a customer may go to configure a particular computer system, for example, according to desired options of the customer. The on-line store is typically a subset of a larger Internet website. At the on line store, a customer can select one or more products that the customer is interested in. Upon selection of a particular product, the on-line store presents the customer with the ability to go to the product information for the particular product, customize the product, price the customized product, and purchase the product (Henson: column 4, lines 35-52). Henson further discloses that

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merchandising may include up selling an extended service warranty, up selling more RAM, or a bigger hard drive or greater memory capacity (Henson: column 15, lines 46-60). Furthermore, Fig. 3A of Henson shows a drop down menu whereby a user of the computer system can explore a plurality of memory choices by clicking on drop-down menu button 77. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of alSafadi to have included the teachings of Henson as discussed above in order to improve the overall quality of an online buying experience through an enhanced online commerce application specific to the ordering of custom-configured computer systems, including personal computer systems (Henson: column 3, lines 45-54).

The Examiner notes, even though the combinations of alSafadi in view of Henson discloses all the limitations of claim 1 as indicated supra, the "if the user indicated..." step of claim 1 is a conditional limitation and is given little patentable weight. Methods are composed of actions, when you perform the actions of a method and do not select one of the alternatives or "if" steps, you are not performing any action under those alternatives. Accordingly, and as in the method itself, once a positively recited step is satisfied, the method as a whole is satisfied - regardless of whether or not other steps are conditionally invocable under certain other hypothetical scenarios.

Referring to claim 3. alSafadi further discloses a method comprising automatically transferring at least part of the configuration information to the web site so that the user does not have to reenter details of the configuration information into the web site (alSafadi: column 2, lines 21-34)

Referring to claim 4. alSafadi further discloses a method wherein obtaining the memory configuration information involves reading serial presence detect information from a non-volatile storage device within a memory module in the computer system (alSafadi: column 4, lines 37-47).

Referring to claim 5. alSafadi in view of Henson discloses a method according to claim 1 as indicated supra. Henson further discloses a method wherein determining the memory upgrade option involves:

- Identifying a plurality of memory upgrade options that will work in the computer system based upon the memory configuration information (Henson: Figure 5);
- Allowing the user to select the memory upgrade option from the plurality of memory upgrade options (Henson: Figure 5).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of alSafadi to have included the teachings of Henson as discussed above in order to improve the overall quality of an online buying experience through an enhanced online commerce application specific to the ordering of custom-configured computer systems, including personal computer systems (Henson: column 3, lines 45-54).

Referring to claim 6. alSafadi further discloses a method wherein obtaining the memory configuration information involves obtaining at least one of:

- An amount of memory installed in the computer system (alSafadi: column 5, lines 4 -19);
- A maximum amount of memory that can be installed in the computer system

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(alSafadi: column 5, lines 4-19);

- A number of memory module sockets that are available to accept memory modules in the computer system (alSafadi: column 5, lines 4-19); and
- An operating speed for memory in the computer system (alSafadi: column 5, lines 4-19).

Referring to claim 7. alSafadi further discloses a method wherein prior to obtaining the memory configuration information, the method comprises receiving a command from the user to initiate a memory upgrade for the computer system (alSafadi: column 2, lines 21-34).

Referring to claims 8 and 10-14. Claims 8 and 10-14 are rejected under the same rationale as set forth above in claims 1 and 3-7.

Referring to claims 15 and 17-21. Claims 8 and 10-14 are rejected under the same rationale as set forth above in claims 1 and 3-7.

### ***Response to Arguments***

Applicant's arguments filed 3/7/2005 have been fully considered but they are not persuasive.

The Attorney argues that neither alSafadi nor Henson suggest determining a plurality of memory options, presenting the plurality of memory options to a user of the computer system, allowing the user to select a memory upgrade, and, upon approval, ordering the memory upgrade option.

The Examiner notes, Fig. 3A of Henson shows a drop down menu whereby a user of the computer system can explore a plurality of memory choices by clicking on drop-down menu button 77.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

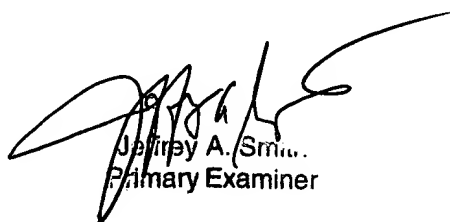
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-273-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MSG  
Patent Examiner  
December 6, 2005



Jeffrey A. Smith  
Primary Examiner